

Town of Frederick Board of Trustees



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AM 2010-019

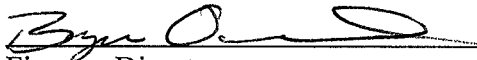
To Consider an Ordinance to Amend Article 1 of the Frederick Land Use Code

Agenda Date: March 9, 2010

Attachments:

- a. Red-line version of Article 1
- b. Ordinance

Fiscal Note: None noted


Finance Director

Submitted by: Jennifer Simmons 
Planning Director

Approved for Presentation: 
Town Administrator

AV Use Anticipated Projector n/a Laptop n/a

Certification of Board Approval:

Town Clerk

Date

Summary Statement:

An amendment is being proposed to Section 1-11 based on information that was received regarding the collection of fees.

Detail of Issue/Request:

While researching ways in which the Town can collect delinquent fees, Assistant Town Attorney Vidergar found that existing State Statute allows local governments to recover delinquent development fees and charges through placing a lien on the property. In order to clarify the Town's ability to recover development fees and charges, the attached ordinance is recommended to be adopted. Similar language will be adopted in the Municipal Code as well.

Review Criteria:

Section 4.7.9.b. For the purpose of establishing and maintaining sound, stable, and desirable development within the Town, the text of this Code shall not be amended except:

- (1) To correct a manifest error in the text of this Code;
- (2) To provide for changes in administrative practices as may be necessary to accommodate changing needs of the community and the Town staff;
- (3) To accommodate innovations in land use and development practices that were not contemplated at the adoption of this Code; or
- (4) To further the implementation of the goals and objectives of the Comprehensive Plan.

The proposed amendment provides for changes in administrative practices to accommodate changing needs of the community and Town staff.

Public Notice:

This project was properly noticed according to the requirements of Section 4.5 of the Frederick Land Use Code.

Planning Commission: The Planning Commission considered this item at a public meeting held March 2, 2010. The draft minutes will be provided prior to the Trustees meeting.

Legal/Political Considerations:

The proposed amendments have been proposed and reviewed by Legal staff.

Alternatives/Options:

The Board of Trustees may choose to adopt the amendments as drafted, deny the amendments as drafted, or adopt the amendments with changes.

Financial Considerations:

Adoption of this ordinance will allow the Town the potential to recover development fees that have not been paid. The amount of outstanding fees is not currently calculated, however, there are a few developments that have not paid all that they owe the Town for the costs to review their development application.

Staff Recommendation:

Staff recommends approving the amendments as drafted with the ordinance that has been prepared.